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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,918	03/08/2001	Zenhua Yang	198197US11PC	3508
22850	7590	07/28/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LANKFORD JR, LEON B	
			ART UNIT 1651	PAPER NUMBER
DATE MAILED: 07/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER
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ART UNIT
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PAPER
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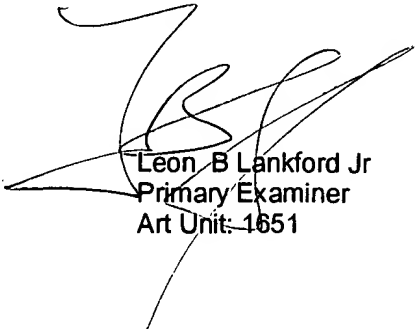
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**Commissioner for Patents**

This application is in condition for allowance except for the presence of non-elected subject matter. Applicant has overcome the 112 rejection and the elected invention (that corresponding to Group III and *Stenotrophomonas*) is free of the prior art and would be allowable if properly claimed. Restriction was made under 35 USC 121 & 372 because the species lack a single general inventive concept as required by PCT Rule 13.1. Subject matter beyond that specific elected invention has been withdrawn from consideration and must now be canceled including claims 85-86. There is no unity of invention which would require the examination of the non-elected subject matter. That would require the presence of a special technical feature between the different species that defines over the prior art. There is no such special technical feature: Applicants' technical feature (as argued on page 10 of paper #8), i.e. the existence or microbial production of an "at least one terminally methyl-branched iso or anteiso-fatty acid" is not novel. There is no unity of invention between the claimed species because there is no special technical feature and unity lacking, restriction is proper. The Interview Summary of 5/29/2003 sets forth the allowable subject matter. All other claims are withdrawn from consideration and must be canceled.

Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue. The prosecution of this case is closed except for consideration of the above matter

  
Leon B Lankford Jr  
Primary Examiner  
Art Unit: 1651